

We are close to the beginning of the fifth year—the fifth year—of a war which should never have been started by an administration that fed the Congress and the public false information. This is an administration which has learned nothing—nothing, zilch—nothing more about the country of Iraq than it knew before it launched an unprovoked U.S. attack.

Our stated purpose for continuing to occupy Iraq is to help the Iraqi people build a stable democracy. But the difficulty of that task should have been clear before we invaded. It was clear to me. Iraq is a country that was only held together by a brutal strongman, Saddam Hussein. And without the strongman to force cohesion, it is a country with deep ethnic and religious divisions and no central loyalties. There is no tradition of constitutions or equal rights, no unifying common beliefs about individual freedoms or governing with the consent of the governed—none of that commonality of thought that reinforces governing principles in the society at large.

The al-Maliki Government would never survive on its own outside the Green Zone in Baghdad, and indeed the point of a surge is to secure only the capital. But what then? After accelerating the violence, even if we are able to lock down Baghdad, what will transpire to keep the insurgency from regrouping elsewhere, possibly fed by Iran or by Syria? How will we then establish the legitimacy of a shaky Iraqi Government?

In my view, we may be about to make a critical mistake by moving in exactly the wrong direction in Iraq. Instead of a surge, we ought to be looking at a way to begin orderly troop reduction. The folly of the surge idea is apparent. The insurrection in Iraq is a civil war. The conflict is among warring factions battling for some measure of control over the others. U.S. involvement on one side simply further energizes all the other sides. This surge will only energize them, further provoking a likely countersurge of violence. If it is a true surge—in other words, temporary—the insurrection factions will only work harder to maim and kill our troops and claim victory if we reduce forces. So, in fact, there will probably be no surge but, rather, a permanent escalation of the U.S. presence, which is simply being sold to the American public as a surge. Once again, we get obfuscation and spin from a White House that seems incapable of careful thought and analysis.

Any plan to increase troops in President Bush's new strategy is simply a plan to intensify violence, put more American troops in harm's way, risk the lives of more innocent Iraqis, engender more hatred of U.S. forces, and embroil U.S. forces deeper in a civil war.

I would like to see a clear defining—a clear defining—of our immediate challenges in Iraq; a realistic discussion about short-term achievable goals;

an admission that we cannot remain in Iraq for much longer because the American public will not tolerate it; and benchmarks for beginning an orderly withdrawal conditioned on actions by the Iraqi Government.

So, Mr. President, the al-Maliki Government has been duly elected by the people of Iraq. It is time we let them take charge. Let them, Mr. President. Let them take charge. As long as we prop them up and inflame hatred, they will never have the legitimacy they need to make the political decisions that may ultimately save Iraq. In short, it is time to take the training wheels off the bike. Do you know what that means? It is time to take the training wheels off the bike.

Our blundering—and it is nothing less—our blundering has inflamed and destabilized a critical region of the world, and yet we continue to single-mindedly pursue the half-baked goal of forcing democracy on a country which is now embroiled in a civil war. Our blinders keep us from seeing the regional problems which are bubbling and which soon may boil. The real damage to the United States is not only the loss of life and the billions of dollars expended, it is also the diminution of our credibility around the world as a country with the will and the vision to lead effectively.

Serious diplomacy is clearly in order on the matters of Lebanon, the Israel-Palestinian conflict, and on Iran. Multinational talks were part of the Iraq Study Group's recommendations, but diplomacy usually ends up at the bottom of the administration's option list, and that is where it has landed again.

If the "shoot first" crowd in the White House continues to stick its chin out and believe that bullets and bombast will carry the day, soon—very soon—our ability to mediate the morass of difficulties in the Mideast and elsewhere may be permanently damaged. Pariahs do not usually carry much weight at negotiating tables. If the lesson in Iraq teaches anything, it is that military might has very great limitations. But then that is a lesson we should have learned many years ago from Vietnam—many years ago from Vietnam.

#### LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will proceed to consideration of S. 1, for debate only, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

The PRESIDING OFFICER. Under the previous order, the time until 2:15 p.m. shall be equally divided between the leaders or their designees.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I have discussed with Senator BENNETT a

proposal for a unanimous consent agreement on a speaking order. I would like quickly to move it as a request for unanimous consent that I be given 15 minutes; Senator BENNETT, as ranking member, 15 minutes; Senator TESTER, 10 minutes; Senator LOTT, if he cares to come down, 10 or 15 minutes which, if it is 15, will balance with 15 on the Democratic side; Senator NELSON, 15; the next open slot for a Republican, 15 minutes; and Senator SALAZAR, 15 minutes.

I ask that at 2:15, for 15 minutes each, the majority leader be recognized, followed by the minority leader if he requests time.

Mr. President, let me vitiate that last part because we would like to have Senators LIEBERMAN and COLLINS recognized at 2:15 for 15 minutes each and then Senators REID and MCCONNELL, if they so desire. That is the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is an honor to take the floor today as the new chairman of the Senate Rules and Administration Committee to help lead the battle for meaningful and credible ethics reform. In the last election, the message was loud and clear: It is time to change the way business is done in the Nation's Capitol. Passage of this ethics reform package is the most direct action we can take to show the American people that tighter rules and procedures are in place and that the corrupt practices of the few will no longer be permitted. Strong criminal sanctions for these practices will henceforth be in place.

Passage of this bill will demonstrate once and for all that we care more about representing the American people than the perks of power.

I am especially pleased to be joined in this effort by my new ranking member, Senator BENNETT, with whom I look to work very closely in this new Congress. I am also pleased that Senator LIEBERMAN, the new chairman of Homeland Security and Governmental Affairs, and Senator COLLINS, the ranking member of that committee, have agreed to join us on the floor as co-managers of this bill.

On March 29, 2006, by a 90-to-8 vote, the Senate passed S. 2349, the Legislative Transparency and Accountability Act, which has now been introduced by the majority and minority leaders as S. 1. This legislation was a combination of separate bills reported by the Rules Committee and the Homeland Security and Governmental Affairs Committee. It came to the floor early last year, at a time when Americans were becoming increasingly concerned about corrupt and criminal practices by a group of lobbyists, administration officials, congressional staff and, yes, even Members of Congress.

Also, various questions were raised about the K Street Project, in which lobbyist firms, trade associations, and other business groups were told they

would encounter a closed door in Congress unless they hired members of the then majority party.

The Senate-passed bill was a strong ethics, earmark and lobbying reform package. Unfortunately, the House voted instead to soften the provisions, lift the limits on party expenditures in general elections, and regulate 527 groups. A stalemate ensued and no conference report was returned. Now, with a new Congress under Democratic leadership, the Senate's first bill, S. 1, is essentially the same text as the Senate-passed S. 2349.

I believe one message that was very clear in the last election was the need for Congress to immediately take steps to restore the public's trust. I would like to briefly outline the major provisions of the base bill and then follow up with some discussion about the improvements that are being considered in a bipartisan leadership substitute.

This is now the base bill. It prohibits gifts and travel paid for by lobbyists. Section 106 bans all gifts and meals from lobbyists. Section 107(a) bans travel paid for by lobbyists or in which lobbyists participate. Section 107(b) requires full disclosure of travel by Members or their staffs on noncommercial airplanes. It closes the revolving door. Section 241 extends the existing lobbying ban for former Members and senior executive branch personnel from 1 to 2 years. That is a consequential change. Sections 108 and 241 toughen the existing lobbying ban for senior staff—those making 75 percent of a Member's salary or more—by prohibiting them from lobbying anyone in the Senate, not just their former boss or committee, as is presently required.

Section 109 requires public disclosure by Members of any negotiations for private sector employment.

Section 105 strips floor privileges from former Members who become registered lobbyists so that no former Senator can come to the Senate floor to lobby.

Section 110 bars immediate family members from lobbying a Member or his or her office, though they could still lobby other offices.

Section 103 requires that a sponsor of an earmark be identified with the additional spending requests in the earmark on all bills, amendments, and conference reports.

Section 104 requires conference reports, including the sponsors of earmarks in these reports, be posted on the Internet at least 48 hours before a vote unless the Senate determines by a majority vote that it is urgent to proceed to the legislation. So there is a hiatus in which names of sponsors will be published on the Internet for at least 48 hours.

Section 102 subjects any out-of-scope matter added by a conference report to a 60-vote point of order. What does "out of scope" mean? It means a matter not approved by either body of the Congress. If you have a matter not approved by either body, and you want to

bring it up in a conference report, you would have to withstand the test of a 60-vote point of order if a Member saw fit to bring that point of order. The Parliamentarian tells me that would not include earmarks added in conference which were not approved by the House or Senate. Members should know that. Earmarks are not included, just out-of-scope issues. We might want to take that into consideration.

As I have said before, I strongly believe such earmarks which have been added without being voted on by the subcommittee, committee, House or Senate, should be subject to a 60-vote point of order. I am interested in working with any colleagues on this matter.

The provision at issue was based on a stand-alone bill I introduced with Senator LOTT last year, but it was changed as it moved forward. Even though it may not include earmarks, it is an important provision which will go a long way toward stopping controversial provisions often added in the dark of night.

Transparency in the Senate: Section 111 makes the K Street project—that is, partisan efforts to influence private sector hiring—a violation of Senate rules.

Section 232 requires ethics training for members of staff.

Section 234 requires the Ethics Committee to issue annual reports on its activity—not to name names but to give the public a better idea about how active the committee has been.

Section 114 of the bill requires Senators to identify holds they place on legislation. This is an important improvement. All too often, important legislation has been blocked by an anonymous hold, and nobody knows who it is. Here, one person can stop a bill that has been dutifully passed out of the committee and passed by the Senate. This measure does not prevent such holds but requires that the Senator doing this file a public report in the CONGRESSIONAL RECORD within 3 days.

My colleagues from the Homeland Security and Government Affairs Committee will have much to say about the lobbyist disclosure provisions because they fall within the jurisdiction of their committee.

Let me go into a few major provisions under discussion that would likely come with a substitute amendment. The first is sporting and entertainment events. The substitute requires the proper and full valuation of tickets to sporting and entertainment events. No more cut-rate tickets to combat the below-market prices being charged Members and staff as a way of getting around the gift ban. It would close the revolving door. The substitute prohibits Members from negotiating for private sector employment that involves lobbying activity while still holding office. Senior staff would have to inform the Ethics Committee if they enter into negotiations for private sector employment.

The substitute will also have a repeal on the current exception to the revolving door lobbying ban for Federal staffers hired by Indian tribes, something my office has worked on with Senator REID.

Now, earmarks. Over the last 12 years, the number of earmarks have tripled to 16,000, worth \$64 billion a year. The process has clearly gotten out of control. An important first step is disclosure. The substitute provides much more vigorous transparency. In the bill approved by the Senate last March, an earmark is defined as "a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of that assistance." The term "assistance" means budget authority, contract authority, loan authority, and other expenditures and tax expenditures or other revenue items.

In the substitute, earmarks will be defined much more broadly to include not only non-Federal entities but any provision that benefits only one non-Federal entity even though the original funding is routed through a Federal agency. This is meant to get at the kind of earmarks notoriously offered by former Representative Cunningham that effectively directed funds to a non-Federal entity but did not directly name the entity.

We will also include targeted tax benefits and targeted tariff benefits in the definition of earmarks.

Another section is a provision sponsored by Senators CONRAD and GREGG, chairman and ranking member of the Committee on the Budget. This amendment requires a Congressional Budget Office score for all conference reports before they are considered by the Senate. In emergencies, this could be waived by 60 votes.

The substitute will express the sense of the Senate on fair and open conference committee procedures. What that means is for the majority party not to exclude the minority party from the conference. We Democrats know what this is like. We would like to end that and have conferences open for the free discussion of Members of both political parties. This is a sensible provision. We should put an end to the practice that existed in this last Congress.

There will also be a ban on dead-of-night additions to conference reports after they have already been signed by Members. I actually couldn't believe this went on, but it does, and we should end it.

There are two important areas on which no agreement has been reached. Our majority leader had proposed broadening gift reform in S. 1 to prohibit gifts not only from lobbyists but also from organizations that employ or retain lobbyists, which makes sense. He had proposed broadening the travel provisions of S. 1 to prohibit travel paid for not only by lobbyists but also by organizations that employ or retain lobbyists and prohibit lobbyists' involvement in that travel. I also think that makes sense.

The minority leadership did not agree on the two proposals, so I now expect to see our majority leader offer an amendment on this separately. I will be pleased to support it.

In conclusion, a USA Today Gallup Poll last month said that only 15 percent of those polled gave our House high marks for honesty. That was down from 25 percent in 2001 when Members got their best score since 1976. When one looks at the scandals that were exposed last year, that is not surprising. The ties between lobbyists and lawmakers must be broken. Yes, the public has a constitutional right to petition Congress, but that right should not be limited to those who seek any special access.

The 2006 election saw the largest congressional shift since 1994. Even with the war on Iraq on voters' minds, polls showed Americans more concerned about ethics in government. The stakes are high. It is imperative we act. We have a vehicle to do so before the Senate. I hope we will.

I yield to the distinguished ranking member.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the chairman of the Rules Committee for her careful and cogent explanation of what is in the bill. I am happy to be an original cosponsor of S. 1. I will be a cosponsor of the substitute that will be provided under her leadership along with Senator REID and Senator MCCONNELL.

I agree with her and with most others that we need to move ahead on this issue. We need to let the American people know we are paying attention to the ethics questions as they relate to lobbying and to our own internal activities.

Her discussion of earmarks has very little to do with the way lobbyists operate but with the way the Congress operates. Lobbyists react to what we do. They are paid to pay attention to what we do and then shift and adjust their activities to match what is going on in the Congress. Many of the problems we have seen arise in the last dozen years have come from changes within Congress, changes in procedures—not formal changes but evolutionary changes—that have come along as Congress has reacted to the pressures we face.

My first experience in this town was as a teenager, as an intern. I suppose there is something wrong with me because I was enough of a political junky that I used to sit in the gallery at night when I could have gone home and listen to the debate in the Senate. I would amuse myself in the daytime by reading the CONGRESSIONAL RECORD. I am not sure how many people would do that today.

In those days, debate in the Senate was real debate. Senators would come to the Senate, go back and forth with each other. Things were different. The way things moved through committees

was different. It was a much more leisurely and orderly process.

I have seen, in the 14 years I have been in the Senate, the process speed up to the point that even the kind of cursory examination we would give to legislation 14 years ago has gone by the boards.

I have been part of the process of creating the omnibus appropriations bill, which is probably the worst possible way to legislate. Yet under the pressures we found ourselves confronted with it was the only way to get appropriations bills completed.

I have watched as the authorizing process has gradually but inexorably broken down as authorizers now come to appropriators and say: We can't get this through our committee for a variety of reasons. Would you add it to the appropriations bill? The appropriations bill is picked because it is the only bill that has to pass. We have to fund the Government.

I remember a Congress when Secretary Babbitt had a vital problem relating to his department and to my State. We talked it through. Then he said: Senator, see if you can get it on the CR, the continuing resolution. There was no opportunity for passage of that particular item. Here is a Cabinet officer, representing President Clinton, talking to a Republican Senator, representing the people of Utah, and the advice is: See if you can put it on the CR.

Obviously, the process of orderly authorization, oversight, examination, and then appropriations which is laid down in our rules has broken down under the pressure. It was in that crucible where people such as Duke Cunningham would step forward and say: We are going to take advantage of this broken process to our own personal advantage.

Now, understand, Duke Cunningham is in jail. Understand, Jack Abramoff, the lobbyist who saw the opportunity of exploiting this breakdown, is in jail. The laws, the rules, the ethics that currently exist, gave rise in this present circumstance to a comment someone made. He said: You folks in the Congress are the only people I know who, when someone breaks the rules, decide the thing to do is to change the rules.

There is some sense that perhaps we are overreacting to the scandals of Abramoff and Cunningham. I do not believe that S. 1 is an overreaction, nor do I believe is the substitute offered by Senators REID and MCCONNELL, of which I and I am assuming the chairman of the committee are original cosponsors. But as the debate goes forward, there might be a temptation to overreact in some of the amendments that will be offered to this bill and to the substitute. So I want to make a few points about the whole process of lobbying.

Again, a little personal history: Back in the 1960s, I was a lobbyist. I have said my timing was terrible because

when I went to work as a lobbyist, lobbyists were not paid as much as Members. Today it seems to be the other way around.

I remember belonging to a group that very creatively called itself the Breakfast Group because we met for breakfast once a month. It consisted of all of the lobbyists of Fortune 500 companies in Washington at the time. We would meet at the Chamber of Commerce where the staffer from the Chamber of Commerce would brief us on their attitudes toward our issues. He left the chamber to set up an office for a Fortune 500 company and wanted to join the group as one of our members. We voted him in, and then we voted the membership closed because we said if we get too many more, it will be too big. There were 20 members. There were 20 people who were representatives of Fortune 500 companies at the time.

Mr. President, this is an old document I hold in my hand from 2000, so it is 6 years old. It includes the names of all of the lobbyists who are currently in Washington. That little group of 20 has grown somewhat in the 40 years from then till now. But as you look through this list, one thing becomes clear that I think a lot of people do not understand with respect to the legislation we are considering. By virtue of all of the people who have now entered this kind of activity, virtually every single American is represented by a lobbyist. Every single American has someone lobbying in behalf of his or her interests, whether he or she knows it or not.

I just dipped into this document, turned open some pages, at complete random, to see who are the lobbyists and what are they here for. Here on page 473, we have the Legal Action Center for the City of New York: A not-for-profit law and policy organization fighting discrimination against people with substance abuse problems, people with HIV/AIDS, and people with criminal records. So people who have substance abuse problems, HIV/AIDS, and criminal records have a lobbyist.

Here is the Learning Disabilities Association. Here is the Lawyers Alliance for World Security: A national, non-partisan membership organization of legal professionals dedicated to stopping unrestrained weapons proliferation and bringing the rule of law to the newly independent nations of the former Soviet Union. So if you are against nuclear proliferation, you have a lobbyist.

The League of Conservation Voters: A national, non-partisan arm of the environmental movement, works to elect pro-environmental candidates to Congress, publishes annual ratings of Congress, and so on.

OK. Flipping ahead, we have the National Association of Schools of Dance: Accreditation of post-secondary educational programs in dance—they have a lobbyist—along with the National Association of State Units on Aging: A

national, non-profit public-interest organization dedicated to providing general and specialized information, technical assistance, and professional development support to State units on aging.

And I went a little deeper away from national associations. We have, on page 636 the Solar Energy Research and Education Foundation: An educational organization developing a museum in Washington featuring interactive CD-ROM-based computer technology. And next to that is the Solid Waste Agency of Northern Cook County and across the page, the Office of the Attorney General of the State of South Dakota.

Every American is represented in one form or another by a lobbyist. So we must be careful as we deal with the perception that comes out of perhaps televisionland that all lobbyists are corrupt, all lobbyists operate with shady activities, with under-the-table money.

If we decide that is, in fact, what we are dealing with and clamp down in such a way so hard as to get in the way of the National Association of Schools of Dance, we will do damage to the constitutional right—right there in the first amendment, next to freedom of religion and freedom of speech—the constitutional right to lobby. They did not call it that in the 18th century. They said the right to petition the Government for redress of your grievances because the Capitol had not been built and a lobby had not been created. But the word came out of people exercising their rights. We must respect that. We must recognize we have to do this very carefully. And we must recognize that internal reform, disclosure of earmarks, activities with respect to conference reports, cleaning up our own act of how we handle legislation is an important part of seeing to it that the process is proper.

As I said at the outset, I do not believe S. 1 is an overreaction. I do not believe the amendment in the nature of a substitute is an overreaction. I am happy to be an original cosponsor of both. And I salute the majority leader in his determination to start out with this issue because it is an issue on which we can reach broad bipartisan agreement. It is an issue that can send the message to the voters that, yes, we recognize that, however it has evolved, the rules do need to be changed. Even though the people who broke the old rules were caught under the old rules, convicted under the old rules, and sent to prison under the old rules, we need to be looking ahead and recognize that in a world where virtually everyone is involved, in one way or another, we need to do this right.

So I am happy to be a part of this debate, and I appreciate the leadership we are receiving from the majority leader and from the chairman of the committee.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished ranking member for his excellent comments, and I have learned something about his life which I found very interesting. I did not know he had started his distinguished career as a lobbyist, and I clearly saw the growth of that institution in the book the Senator held up. I thank the Senator very much for his comments. I look forward to working with him in the committee.

Mr. President, I would like to ask all Members, beginning this afternoon, to please come and file your amendments. We are eager to have them. In the unanimous consent agreement, the Senator from Montana is next, Mr. TESTER. However, I do not see him on the Senate floor. So let me say this: The way we will run this is by doing a unanimous consent agreement and trying to line up speakers, if that is agreeable with the ranking member. If people are not here, they will lose their place in line.

Mr. President, I ask the Senator, is that agreeable to the ranking member?

Mr. BENNETT. Yes, Mr. President, that will be agreeable to me, with the understanding that if the Senator does show up, then they will go in the queue wherever they can fit.

Mrs. FEINSTEIN. That is correct.

I see the Senator from Montana just emerging for his first appearance before this body, and he is therefore recognized for—I have 10 minutes down.

I ask the Senator, would you require 10 minutes or 15 minutes because we will give the same amount to the distinguished Senator LOTT?

Mr. TESTER. Mr. President, I say to Senator FEINSTEIN, 10 minutes will be more than adequate.

Mrs. FEINSTEIN. Fine. Mr. President, I yield 10 minutes of time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 minutes.

Mr. TESTER. Thank you, Mr. President.

It is a great honor for me to be before you today in this Chamber as a Senator representing the great State of Montana.

It is the genius of American democracy that a third-generation family farmer from Big Sandy, MT, can serve in the world's greatest deliberative body. We have a great opportunity with great responsibility. Americans are not enamored by ideology or political party. I ran for the U.S. Senate because I wanted to make Government work for the American people once again.

Montanans stood by me to demand change. We are here today because the American people want their Government to work. Today, we can show the American people that their Government does work by enacting genuine ethics reform, to ensure a Government that is transparent and open.

As I met with the folks across the State of Montana, I heard over and

over again about the loss of faith in our Government and our elected officials. Scandals and questionable behavior have brought a shadow over this institution. But today the Sun is rising again.

The leadership of Senator REID and the addition of the Feingold-Obama ethics reforms are a giant step forward in restoring the public's faith in their Government and public officials. The "for sale" sign on Congress will be taken down, and the pay-to-play practices of past Members will finally come to an end. These bills shine a spotlight on how Members operate in Washington to ensure that the people's business rather than the special interests' business is being done.

In Montana, we believe in working together with our neighbors to find solutions to our problems. And in our Nation, the American people are looking for all of us to represent them, the people, those hard-working families trying to make ends meet.

The best way to work for the American people is to ensure that they cannot only see what is happening in their Government but that they can take part in their Government. It is time for transparency, time for working families, small businesses and family farmers and ranchers to not only be heard but to be represented and empowered in this body and in the Halls of our Nation's Capitol.

No more currying favor with Members of Congress and staff by high-powered lobbyists through free court-side tickets or all-expense-paid travel to exotic destinations. No more slipping in special interest provisions in bills already signed, sealed, and all but delivered. No more floor privileges and Member gym privileges for former Members lobbying on behalf of their clients. No more so-called K Street projects in which Members force lobbying firms to hire staffers from a certain party or lose the Member's support for their clients' projects.

Montanans and Americans simply deserve better from their Government and elected representatives. Montanans and Americans deserve a government that is working hard for their interests, not the big-moneyed special interests. All of these special privileges and activities get in the way of making real changes that will improve the lives of hard-working and honest American and Montana families.

I want to do the job the people of Montana have hired me to do, and this ethics package gives me the tools to do just that. I am proud and honored to join with my colleagues in support of change that will bring sunshine to the process of government and allow for transparency.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I am pleased to rise again, for the second

year in a row, in support of the Legislative Transparency and Accountability Act of 2007. It was my pleasure, last year, as the chairman of the Rules Committee, to work with my colleague on the Democratic side of the aisle, CHRIS DODD, and in fact, the entire committee in a bipartisan way to produce this legislation from the Rules Committee.

Then we brought it to the floor. We had an open process. We had lots of amendments offered. At some point it was the will of the Senate we bring debate it to a close, and we produced legislation because there is a need for ethics and lobby reform. I have been an aggressive supporter of many of the provisions that have been already mentioned today and that are included in this bill.

So I want to make it clear that last year the Senate passed this legislation, with significant improvements or changes in the law with regard to the rules of the Senate, ethics, and lobbying reform, and moved it into the process of being in conference with the House. Unfortunately, it was not concluded.

I do have a long history in this area, going back to when I was in the House in the 1970s, and when we passed some gift reform in the 1980s. And here we are again. I don't back away from having in the past supported some changes. And having done it last year and again this year, I think we should move forward in this area. But I must say, I am delighted to yield the leadership role on this issue to the distinguished Senator from California, Mrs. FEINSTEIN. She is now the incoming chairman of the Committee on Rules managing this legislation in place of CHRIS DODD of Connecticut who did such a good job last year, and my colleague from the great State of Utah, Senator BENNETT. These two people will work together. They will do a credible job. They will aggressively support responsible changes in the ethics rules and lobbying laws of this country. However, I believe they will have the courage to say to us sometimes: Wait a minute, what does this mean? What are we doing to ourselves, the institution, and the job we do?

I have been in Congress 34 years. I know when changes need to be made. I also know sometimes when we are about to put a gun to our head and pull the trigger. Let's do this in a responsible, nonpartisan way that is good for the institution and good for America. But, please, let's not turn it into feckless positioning to make it look good when, in fact, the result could be very counterproductive. I hope we will not do that. I don't question anybody's motives. We all have perspectives we have to think about.

Take, for instance, the issue of earmarks. We all have views on that. In some areas it is called pork. I have said many times that earmarks are pork when they are north of Memphis, TN.

I am from one of the poorest States in the Nation. I am not going to give

up the right, the opportunity to get some help for some of the poorest people in America when the bureaucracy won't do it.

I have a little old town in Mississippi, Tchula, MS, with an African-American woman, Republican mayor, where they have to haul water to their houses for drinking. That is in America today. It is unbelievable that in 2006, you have people who don't have safe drinking water in this country. We passed the safe drinking water legislation in 1996. Yet it still doesn't seem to filter down to the poorest of the poor sometimes. I tried for years to get HUD to help this little town that sits in a saucer that floods every year.

I said: Please help us move these people onto higher ground, get them out of their snake-infested, annually flooded houses; help us get them water and sewers; help us get them decent housing; help us get them a community center, a police station. Just help them.

I never got a nickel. So my colleague Senator COCHRAN and I started earmarking funds for this little town. It wasn't big. It was a relatively small amount of money. But if we cannot, as Senators or Congressmen from a district or a State, whether it is Montana, Minnesota or Mississippi, step up sometimes where legislation has not done the job, or where the bureaucracy has not done its job, and fix the problem, then we are not fulfilling our Constitutional obligations to the citizens of our states. Sometimes I know more about the need for a transportation project than some bureaucrat at the Department of Transportation. I am not going to give up what I consider a Constitutional right, and that is the right to shape how federal money is spent.

However, has earmarking gotten out of control? Yes. Has it been growing like topsy over the years under Democrats and Republican? Yes.

Some people say: You shouldn't get an appropriation unless it has been authorized. Do you know why we started getting appropriations for projects that weren't authorized? Because we quit authorizing. The Senate got in a situation in recent years—and it goes back to both Republicans and Democrats; we share the blame on this—where we quit getting bills done. How many bills lie dormant at this desk because there is a hold by a fellow Republican or a Democrat against a fellow Democrat? If you wait until you get authorization, such as a water resources bill, before you get the appropriation, you may never get it. That forced a lot of what has happened.

I am a firm believer in sunshine. Disclose it. That is the best antiseptic. I am not ashamed of what I do. If I am going to be embarrassed if it is made public, I won't do it. Of course, there is one danger. The more we publicize what we are doing, there may be more and more pressure on us to do more. Somebody is going to have to explain on the Appropriations Committee why

Senator X gets an earmark and Senator Y doesn't. So we may be, again, creating growth in this process. But I think we should disclose it. I don't have any problem with identifying earmarks, explanations of earmarks. There is no amount of disclosure you can come up with that I wouldn't think is OK.

I also—and Senator FEINSTEIN knows this—have developed a real concern about what has been going on now and growing for a number of years where things are added in conference at the last minute that were not considered by, or included in, either the House or the Senate bill. That unnerves me. By the way, it is not just appropriations; it is authorizations, and it is tax bills.

The one incident that alarmed me actually involved a tax bill. Because if you are a conferee in the last minute of conference some night at 10 o'clock and you can change a phrase in a tax bill that can mean billions for a particular sector of the economy, that is very dangerous. But it happens.

I know it is difficult to write exact language to deal with the problem of last minute inserts in conference reports. I drafted such language that I believe will be workable. I welcome these new leaders of the Rules Committee and recommend they review closely the language I have drafted that addresses this issue and I believe will not create a tremendous problem for the leadership.

HARRY REID is going to be standing here one day trying to wrap up a session on a major bill and if we create point of order authority on anything that is added in conference without some limits on it, he could be hit with a series of points of order, one after the other after the other. Then how do you complete the conference report? The leadership has to worry about that on both sides of the aisle.

I think we could do more on these earmarks. My colleague from Mississippi Senator COCHRAN has been chairman of Appropriations, as well as the ranking member. I am going to make sure I work closely with him on how we do this. But we need to do more.

I believe this legislation we have before us is a good effort. Some people say it is not good enough. Look, if we start trying to satisfy certain media people, certain ethics groups, there is no limit. We will all be living in robes in the Russell courtyard with no access to the outside. So we can't do that. But let's do all we can. Let's do some things that will improve the way we do business. I think this legislation does this. It is bipartisan in introduction. I understand a substitute will be offered later this afternoon that will maybe move the ball forward some more. I am not sure exactly what all that would be, but what I have looked at, I don't see major problems there. I do think how you deal with the defining earmarks and how you disclose sponsorship is important but more delicate than some may think.

With regard to gifts, we ought to get over that. We should not be having gifts from lobbyists. We shouldn't be having meals paid for by lobbyists. Some of you have heard me say this, anyway. If I never have to have another meal at night with, frankly, anybody, the happier I will be. But I am so offended that somebody says for the price of a meal, I can be had by a lobbyist or anybody else. People wouldn't elect me Senator from Mississippi if they thought I could be had for a meal. Plus the meals you have up here are not any good, anyway. You can't get blackeyed peas up here. You can't get really good, properly prepared catfish up here. It is outrageous. So my point is, I am insulted by the accusation. Get rid of the gifts and meals and get that perception off the table. You are not giving up much, anyway. I would rather go home and have dinner with my wife. That is what more of us ought to do.

By the way, I hope under the present leadership we will have a little more time at night with our families. I have this unique idea about my job. I think you should work during the day, and I think you should go home at night. I hope we will not be nocturnal. I am glad to see Senator REID saying he is going to hold the votes to 20 minutes. I am glad we are going to be working on Mondays and Fridays. When I had a little bit to say about that, we did that. We voted on Mondays and Fridays. I would rather work during the day and do the responsible thing and go home and be with my family at night.

With regard to third-party-funded travel, again, I think we need to have a lot more disclosure. I think you ought to have detailed trip identification or itinerary, and a listing of who was on the trip. I do think we need to be careful. Are we going to totally ground ourselves around here? There are constitutional questions we have to consider. We do have to get places within our own States. I do think we should be aware that if you represent Maryland—maybe Senator BENNETT made this point—if you represent a State that is relatively small, you can get where you need to be in an hour in a car. But if you represent Alaska or California, you can't get there. Even my State, when I go from the Mississippi gulf coast devastated by the hurricane to north Mississippi to that great center of learning at Oxford, the University of Mississippi, it is 346 miles. That is not even the end of the State. You can't get everywhere you need to be with just automobile transportation. Should you have to report it? Should there be a limit on how you do that? Absolutely. But let's be careful about making it impossible for us to do our jobs here as men and women of the Senate.

With regard to some of the other rules included in this bill, floor privileges for former Members where the possibility, perception may be that a former Member is here lobbying on a

bill, you can't have that, no. At the same time, we shouldn't prohibit former Members on the day we are sworn in, as we had this past week, from coming on to the floor and participating in that celebratory ceremony. Again, let's use some common sense. Don't prohibit them en bloc. Allow former Members to come on certain occasions, but don't allow them to come when we are legislating, certainly, if they are lobbying.

Another issue deals with job negotiations by sitting Senators. Again, we ought to have disclosure. If you are negotiating for private employment, you should disclose that. That's what this bill does.

In conclusion, I think we have a good base bill. It sounds as though the substitute may be OK. I am sure there are going to be some amendments that we should think about very carefully. Let's be careful about pompous pontificating or questioning other people's motives. Let's be careful that when we do something, we can actually enforce it. Let's think it through. I think we can do that. I think the way it has been brought up is fine.

I am very concerned about the idea of an outside office of public integrity and how that could be used unfairly in a political season. Some people say: Well, don't worry about that. Well, you have to. Because we could do it to each other. You would hope that we wouldn't; I wouldn't do it to the Senator from Florida and he wouldn't do it to me. But it has been done. Going way back to my years in the House, I was on the franking commission. We had a process to file complaints with the franking commission if a Member of the House misused the frank. It was interesting, right before the election, how many extra complaints about abuse of the frank showed up before that commission. It became a political issue that was used to beat up a Member who quite often wasn't even guilty of anything wrong. But the damage was done. It was in the media.

Mr. President, we can and should pass a reform bill. I said that last year. It is the right thing to do. But I hope that we will use common sense. Let's not turn ourselves into something where we can't even do the job. Let's not inadvertently make criminals out of ourselves and our staffs. I am not saying there haven't been problems and that there won't be in the future. We are all human beings, and we are capable of making mistakes. But we can do a better job. I think it is time we do that.

I want to make it clear that as far as I am concerned, this is going to be a bipartisan effort.

This is not partisan. The mistakes made over the years that I have seen since I have been in Washington have been made on both sides of the aisle. We can do a better job of putting things into place where we are less likely to make a mistake. I wish the very best to the Chairlady and the

ranking member. I think they can do a good job, and I think we can do something good for the institution, and we will restore a modicum of faith in us from the American people.

Mr. NELSON of Florida. Will the Senator yield for an observation?

Mr. LOTT. I think my time has expired. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I am glad to yield to the Senator from Florida.

Mr. NELSON of Florida. I wish to say this to my colleague in response to his excellent comments about the tendency of some folks to pontificate around here. It called to mind for this Senator the old adage that "I would rather see a sermon than hear one any day." That might be a lesson for all of us in public office to remember.

Mr. LOTT. Mr. President, it is a very good adage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. NELSON of Florida. Mr. President, I am not going to take that amount of time. I do want to go back to the basic underlying problem that finally is bringing us to the point that we are going to get a bill passed here and one in the House of Representatives, and we are going to get a compromise hammered out in a conference committee and get a product which we will send to the President for his signature.

It basically has boiled down to the fact that we have had vote buying and earmark buying. That is inimical to the interests of this country and the way that we operate in a system of justice. It is inimical to the interest of a democracy, in representing the people, and when the people see this, they say: Enough; we want a change. We tried to do this in the last Congress. There was a bill passed here and there was a bill passed on the other side of the Capitol, but for all the various personal reasons and special interests, we could not get anything moving and get a final agreement.

Now, what does this come out of? It comes out of a basic human failing called pride. Pride, by the way, in the Good Book, is mentioned as one of the greatest sins. Pride can be described in many other ways. It can be arrogance, obstinance or it can be an "it is my way or the highway" attitude. It can be quite destructive. As this observer of the National Aeronautics and Space Administration would clearly note, it was arrogance in the NASA management that brought down two space shuttles—one in 1986 because the NASA management wasn't listening to what the engineers on the line were saying. The communication—in other words, due to arrogance and pride—was going one way, from the top to the bottom, not from the bottom up. That caused the destruction in January of 1986 of



the space shuttle Challenger. And 18 years later, the very same thing happened again to NASA. The space shuttle Columbia was destroyed for a different technical reason than 18 years previously, but the same reason occurred, which was the arrogance of power and pride that had set in. The same thing happened. Communication was from the top down, but they weren't listening to the engineers on the line who were telling them that that thermal protection foam on the external tank was shedding in the launch of each of those space shuttles.

So we say that same thing—pride, arrogance, the abuse of power. Remember the British politician who said, "Power corrupts and absolute power corrupts absolutely." Indeed, that is what we see. It is not applicable to one side of the aisle or the other. This has happened throughout the history of this great democracy, over two centuries. So what happens is that, ultimately, the people will say: Enough, and we want change. Then we will try to respond to the change. We remember the reaction that occurred in this country in 1974 in the election as a result of the arrogance of power that had been in the White House that we know as the Watergate scandal. And then we know about in the decade of the 1980s, where the Democrats had been in power for decades, and then there was one thing after another that was happening. In the election of 1994, people were tired of the arrogance that was being displayed. Now we are on a shorter cycle—here, in a 12-year period, from 1994 to 2006, and people were saying: I don't like this vote buying, this earmark buying, where somebody gets a special appropriation because they happen to be getting special gifts of lodging and trips and gifts and antiques and meals, and so forth and so on. And, of course, that is the celebrated case of MGM and Mitchell Wade and all of that fallout, and you hear the revelations coming out of another lobbyist, Jack Abramoff, and the resignation of another major figure in the House of Representatives. It all goes back to this arrogance of power.

Since we all have "feet of clay," what is the best way we can try to avoid that temptation of arrogance of power? The temptation is going to be there. First of all, it has to be right there in your heart. Check your own self as a public servant. But the next thing we can do is something that we are attempting to do in this legislation. You get everything out into the open, so that you know that there is always the fourth estate, the press, looking over your shoulder. That makes it easier for them to find out what the facts are. Thus, the earmarks have to be completely transparent if, indeed, there are going to be any earmarks, which is another question we will address on down the line.

Get it out into the sunshine. We have a tradition of that in Florida from way back in the 1960s, enacting the sun-

shine law. State Senator J. Emory Cross, from Gainesville, FL, a place in celebration right now as a result of the national championship—Senator Cross, who was an old country lawyer and a State senator, said there has to be a different way. That was in the 1960s. They passed Florida's sunshine law which said that a government body meeting to discuss public business had to be in the public. All of that doesn't occur here all of the time—a lot of it by necessity because of national security, and so forth. But the most we can do is get things out into the open, in the full glare of the spotlight, so that people can evaluate that what we are and what we are not doing is to strengthen this democracy. That is what we have to do.

I think this legislation is a step in the right direction. It is going to try to get at these lobbyist-financed meals, gifts, and travel. It is clearly going to require more transparency. Our democratic Government is viewed as a model in countries throughout the world. I just spent 2 weeks in the Middle East and Central Asia. They do business a lot differently. Payoffs, and so forth, are a standard practice in a lot of those parts of the world. We do it differently here. Perhaps that is another reason why this constitutional democracy has survived and, indeed, thrived for well over two centuries. The Founding Fathers established a government that was designed to put a check on power and represent the interests of all Americans, regardless of their station in life.

So as we grapple with this issue of trying to put an influence on those who articulate a special interest, a narrowly defined interest, instead of an interest for what is referred to as the common wheel, the common good, then that is very much vital to restoring the balance of power in the functioning of our Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. SALAZAR. Mr. President, first, let me praise our great majority leader and Senator McCONNELL, the minority leader, for bringing us together for a good start to the 110th Congress. The idea of a joint caucus, both parties coming together to send a signal that we were going to work together in the 110th Congress as we begin, was a very good step. I believe Senator REID said we are now entering a season of hope and that we can move forward with hope for positive results in the 110th Congress. Senator McCONNELL talked about how a government, even though it may be divided by the two parties and the executive branch, can be the kind of government that can bring about good results for the people of America. That was a very good statement as well. Citing what happened in the 1981 Reagan Social Security revision, that was an example of how a divided Government could get a result,

as well as his speaking about the 1996 welfare-to-work reform. That was another good example of how we can get things done.

I hope this Congress, in fact, gets to be known as the Congress that did, in fact, produce results for the American people and that we can work together to bring about those results.

Today, as we begin the consideration of S. 1, it is one of those efforts in which we together are attempting to show results to the American people to restore the confidence of the American people in the institutions that belong to them.

It is no coincidence that this is the first bill to come before this new Senate. This bill lays a foundation for everything that we hope to do in the months and years ahead. It does so by addressing three fundamental needs.

First, it addresses the need to restore the people's faith in their Government. Indeed, in the wake of the Jack Abramoff scandal, the conviction of former Congressman Duke Cunningham, and the various other allegations and investigations that have created this problem in Washington, DC, it is clear that the American people have lost faith in their Government.

In case we didn't know it beforehand, that message was sent loudly and clearly by the voters in the November elections. With this bill, we have the opportunity to restore that lost faith without which we cannot effectively conduct the business of the people of America.

Second, this bill also addresses the need to bring greater transparency to the Government of America. As Justice Brandeis said a long time ago:

Sunshine is said to be the best of disinfectants.

These words have particular resonance with the American people as we look to end today the practice of holding one-party conference committees; of placing strange and anonymous holds, not knowing where they come from, on legislation and nominations just because someone wants to prevent progress from taking place; and slipping provisions into conference reports that were not passed by either Chamber, some of these provisions being slipped into the conference reports in the dead of night. With this bill, we look to replace these secretive practices with a more open and transparent Congress for the American people.

Third, we also need to take on the influence of special interests and to curb those influences of special interests on the Government of America.

When the American people see a revolving door between Congress and the K Street lobbying firms, when they see Members of Congress and staff treated to gifts and travel paid by lobbyists, when they see legislation changed at the behest of a special interest, they understandably roll their eyes. With this bill, we look to curb the influence

of special interests in favor of the people's interest because all of us were elected to represent the people first.

This bill is not a perfect bill, and we will work this week to refine and improve the bill. For example, I would like to see the denial of Federal pensions to Members of Congress who are convicted of certain crimes. I am proud to support an amendment with Senator JOHN KERRY which would do just that in this legislation. The likes of former Congressman Duke Cunningham and the bribery that occurred in that particular case should be the grounds for the denial of pensions to Federal Congressmen and Congresswomen.

I would also like to see greater transparency in the committee process, and I will offer an amendment on that issue later this week.

I also believe it is important to note that this bill touches on ethics in the executive branch. We know there has been so much focus in the public debate on how this deals only with the legislative branch of Government, but, in fact, this legislation will also end up creating a new program of Government independence and integrity in the executive branch.

It will do so by extending the revolving door for very senior executive branch employees from 1 to 2 years and by expressing the sense of the Senate that any applicable restrictions on congressional branch employees should also apply to the executive and judicial branches of Government.

We need to make sure that every branch of Government has strong ethics rules. I look forward to working with my colleagues to accomplish that goal in the coming months. It is my hope that the relevant committees address these issues in the near future.

Let me make a comment about this issue.

The fact is, the House of Representatives is dealing with ethics as their first issue, and the Senate is dealing with ethics as our first issue. We are taking a very important step in the right direction, but at the end of the day, it is the loss of confidence of the people of America in their Government in Washington as a whole that we need to take a look at, and the issues we deal with here are only focused largely on the legislative branch of Government, but there are also a whole host of issues in the executive branch of Government that should require us to take a hard look at what it is that all of our Government officials are doing.

At the end of the day, our goal should be to try to make sure the integrity of Government extends to all aspects of the Government and that the confidence of the people we all represent extends to a confidence in all of our Government. The only way we can do that is to make sure we have the highest ethical standards that apply to the Congress as well as to the White House and to the executive branch of Government.

It is my sincere hope that the committees of jurisdiction, including the

Committee on Governmental Affairs and Homeland Security and other committees that will look at this issue, will also help us bring about that kind of cultivation with respect to how we look at integrity in Government.

It isn't enough for us to clean out only a part of the barn in Washington, DC. I am a rancher and a farmer in terms of my upbringing. When you go in, you clean out the whole barn. Our effort is to clean up Washington, DC, and, if it is a committed effort on the part of both Democrats and Republicans, we need to make sure we are cleaning out the whole barn.

Finally, it is important to make sure that we all recognize this bill is moving us forward in the right direction in a number of ways. It bans all gifts, and it bans meals and travel paid for by lobbyists. That is a ban that did not exist before this context. It is an important step in the right direction.

Second, it requires public disclosure within 3 days of any hold placed on a nomination or on legislation. During the 109th Congress, Democrats and Republicans who were part of legislation we were trying to get through could not find out who was putting holds on legislation. That is not the way to do business. If a Senator has a problem with a bill, if they want to put a hold on a bill, they ought to tell their colleagues what it is they have a problem with, what is the substantive issue that causes that Senator a concern that requires him or her to put a hold on a bill.

This is a very important procedural positive step forward for this institution, and I look forward to strongly supporting that part of the bill.

Third is closing the revolving door between Congress and K Street by extending the cooling off period of Members of Congress and stiffening the rules regarding lobbying activity by senior staff members. It is an important rule that allows us to close that revolving door which has been a part of Washington, DC, for far too long.

Fourth, this legislation requires that conference reports be made available to the public at least 48 hours before their consideration by the Senate. That way not only be the public of the United States of America but also the Members of this body will have an opportunity to study what is in the legislation and will be able to react so we do not enact legislation that is passed in the dead of night without people knowing on what they are voting.

Fifth, the bill requires a list of earmarks in a bill, the identity of the Senators who propose them, and also identity of their essential Government purpose.

For the last year, we have talked about earmark reform and the importance of moving forward with changes in the earmark process, which has been a part of this body probably since its inception, but making sure we know where those earmarks are coming from, who is proposing them, and what

is the essential governmental purpose that is being addressed by that particular earmark.

It is essential for us to be able to tell the American public what it is we are doing with taxpayers' dollars. I fully support the earmark proposals that are put forth in this legislation.

As a member of the Senate Ethics Committee, I am also pleased to join with my colleagues in supporting the aspects of the bill that would do the following:

First, it would require the Ethics Committee of the Senate to report on an annual basis with detailed statistics on the number of alleged violations and the status of complaints that are pending before the Ethics Committee of the Senate.

Second, it would require the Ethics Committee that it conduct mandatory ethics training not only for Senators but also for all of our staffs who are affected by the decisions and the activities of our office on an ongoing basis.

And, third, that we as a Senate move forward in the creation of an independent commission to make recommendations on the effectiveness of congressional ethics rules and lobbying disclosure laws.

It is important to note that these changes are necessary, not because there is something inherently wrong or dishonorable about the process of petitioning the Government. They are important and they are necessary because the American people have lost faith in their Government and because our Government should be doing more to have a Government that is transparent and a Government that is responsive to the business of the people.

I commend the leadership, Senator REID and Senator MCCONNELL, members of the Rules Committee, my colleagues and friends from California and Utah who are the managers of this bill, and members of the Governmental Affairs and Homeland Security Committee for their work. This is very important legislation that is taking an important first step in restoring the faith of the American people in the integrity of their Government.

I thank the Chair, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold the quorum call?

Mrs. FEINSTEIN. Yes, if the Senator will withhold the request for a quorum call, Mr. President, I note that it is almost 12:30 p.m. I ask that the Senate recess until 2:15 p.m.

#### RECESS

The PRESIDING OFFICER. Under previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. MCCASKILL).